

Residents Along the Rail

Kaka'ako Neighborhood Rail Alliance

August 14, 2010

Mr. Ted Matley
FTA Region IX
201 Mission Street Suite 1605
San Francisco, CA 94105

Mr. Wayne Yoshioka
Department of Transportation Services
City & County of Honolulu
650 South King Street
Honolulu, HI 96813

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DIRECTOR'S OFFICE
DEPT OF
TRANSPORTATION SERVICES

Dear Mr. Matley and Mr. Yoshioka:

SUBJECT: Honolulu High-Capacity Transit Corridor Project
Final Environmental Impact Statement/Community Comments

I am writing to express the concerns and comments from *Residents Along the Rail* about the FEIS deficiencies expressed in our October 29, 2009 and December 21, 2009 letters to the FTA about the DEIS. The response we received stated that we did not provide written testimony within the window of time provided by the City and County of Honolulu for public comment, but the issues we stated would be addressed in the FEIS. Our major concerns have not been adequately addressed in the FEIS. We would like to know why.

Comment #1: The DEIS and now the FEIS are not compliant with the National Environmental Protection Act. The FEIS does not adequately address alternative technologies required in the Notice of Intent (NOI). The FEIS should provide the public with equal evaluations of alternate technologies. Both do not. Why, for example, have 29 of the 30 cities most recently adopting rail selected the light rail alternative? Light rail is a more cost and energy-efficient alternative. We assert the City & County of Honolulu must complete and satisfy all requirements of the Environmental Protection Act in making decisions to address long-term traffic problems and solutions.

Our concern about the FEIS' failure to comply with the law extends beyond the FEIS' failure to consider alternative technologies. Violations include the City & County Land Use Ordinance Chapter 21-9.60.3 protecting prominent makai view corridors at Maunakea Street and Nuuanu Avenue. Section 21-9.30.3 protects mauka and makai views along Ala Moana Blvd. The elevated rail system proposed by the City & County of Honolulu will cross view planes protected by City & County Ordinance. We believe the mauka-makai view corridors should continue to be protected, as they are now, by law.

Comment #2: The DEIS and now the FEIS fail to accurately characterize our Kaka'ako community. The EIS continues to grossly misrepresent our community and the number of residential units between the proposed Kaka'ako and Ala Moana stations as "predominantly commercial and industrial (Category 3), with two residential high-rises: 1133 Waimanu and Uraku Tower" (Addendum 01 to the Noise and Vibration Technical

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Report, June 1, 2010, section 4,27, page 12). In fact there are five residential high-rises adjacent to the guideway in this area: Uraku, Ko'olani, Hawai'ki Tower, 1133 Waimanu and Kamake'e Vista. There are also at least four other high-rise residential buildings in close proximity to the guideway: Moana Pacific, 1350 Ala Moana, Nauru Tower and Hokua. A new development between Ko'olani and Hawai'ki Tower will be constructed within the next two years with the 404 Piikoi development to follow.

If a technical report cannot accurately count residential buildings and households in a neighborhood, how can it accurately assess the impact on our quality of life issues such as noise and vibration? The FEIS does not accurately account for the number of residential units adjacent to the proposed guideway between the proposed Kaka'ako and Ala Moana stations. The FEIS proposes noise mitigation measures for one building, 1133 Waimanu. Beyond that the FEIS does not include a discussion of noise impact or noise mitigation measures for other buildings adjacent to the proposed guideway. We expect decisions about Oahu's traffic problems and solutions based on complete, accurate and current information.

The FEIS is noncompliant in the selected zoning of the Kaka'ako neighborhood and therefore noncompliant with noise reading limitations. We are reminding you of this violation and hold you accountable for your decision. State Transportation Director Dr. Brennon Morioka held the City & County accountable to this rule with the selection of the guideway that violated FAA airspace requirements at the Honolulu Airport and community noise standards under HAR 46-11-4.

Comment #3: Our concerns about long-term solutions to Oahu's traffic problems are based on the principle that good governance demands transparency and up-to-date information with a professional analysis of that information. At a minimum this professional review should include a detailed conclusion of benefits versus costs for each alternative technology and a rationale for the proposed technology solution of choice. Currently the citizens of Honolulu have a proposed rail system that is not based on accurate information, but is based on inappropriate political considerations.

Comment #4: *Residents Along the Rail* urges you to withhold a Record of Decision until (1) the FEIS accurately characterizes our Kaka'ako community and its zoning is corrected, (2) the elevated rail's impact on our community regarding traffic, visual, and noise intrusions be based on accurate information, (3) the FEIS seriously reviews and publishes its conclusions for alternative technologies as required in the NOI, (4) financial comparisons are prepared and published for the leading technology choices, and (5) all solutions be compliant with Federal and State laws and City & County Ordinances.

Sincerely,



Dr. James L. Schlosser

Chairperson

Residents Along the Rail: *Kaka'ako Neighborhood Rail Alliance*

1177 Queen Street, #1605

Residents Along the Rail

Kaka'ako Neighborhood Rail Alliance

Honolulu, HI 96814
jschlosser1@me.com
Phone: 808-220-2790

Residents Along the Rail include five condominiums (Ko'olani, Hokua, Nauru Tower, 1350 Ala Moana, and 1133 Waimanu), the Kaka'ako Neighborhood Rail Alliance and Kaka'ako Business and Landowners Association.

cc: Council Chair Todd Apo
Council Member Ann Kobayashi
Larry Hurst
Neil Abercrombie
Mufi Hannemann
Lt. Governor Duke Aiona
Governor Linda Lingle

Attachments: Residents Along the Rail position paper
October 29, 2009 letter to Mr. Leslie T. Rogers of the FTA
December 21, 2009 letter to Mr. Leslie T. Rogers of the FTA

Residents Along the Rail
Kaka'ako Neighborhood Rail Alliance

Residents Along the Rail

Kaka'ako Neighborhood Rail Alliance

Who Are We?

We are citizens of the greater Kaka'ako area who live along the proposed Rail route and are concerned about the quality of life in our community.

What Is Our Objective?

We believe that the DEIS contains serious flaws which will negatively impact our community. We are asking that these flaws be corrected so that (1) the DEIS complies with the letter and intent of the National Environmental Act and (2) essential information about our community, which is substantially wrong, should be corrected and included in any evaluation and final decisions regarding the proposed Rail Project and route.

Our Guiding Principles

We believe good governance requires a process that complies with the intent of the law, considers alternative technologies and pertinent community impacts, and relative costs compared with the benefits of each alternative. Anything less simply is not good governance and cannot properly serve the best interest of our citizens.

1. As a Neighborhood Alliance, we are not for or against the concept of a suitable Rail Project for Honolulu.
2. We support the City and County of Honolulu's responsibility to plan for solutions to our long-term traffic problems.
3. The City and County of Honolulu must complete and satisfy all requirements of the Environmental Protection Act in making decisions to address long-term traffic problems.
4. Good governance demands transparency, up-to-date accurate information and a professional review of that information. At a minimum a professional, comparative review should include the following:
 - a. A review of all reasonably accessible competing technologies.
 - b. Based on verified and up-to-date information, a consideration of the impact of each alternative technology on each affected community.
 - c. A detailed conclusion of benefits versus costs for each alternative technology and a rationale for the proposed technology solution of choice.

Our Major Concerns

We believe the information in the DEIS that concerns our neighborhood is incomplete and misleading, undermining the intent of the law and eventually the quality of life in our neighborhood.

1. The DEIS prepared by the City Administration is deficient and does not conform to the Notice of Intent (NOI) as written in the Federal Register.

- a. The NOI states, "...the draft EIS would consider five distinct technologies: light rail [sic] transit, rapid rail transit, rubber-tired guided vehicles, a magnetic levitation system, and a monorail system."
 - b. The DEIS prepared by the City Administration only considers one transit technology with three routing alternatives.
 - c. To be compliant with the National Environmental Policy Act (NEPA) the DEIS should have provided the public with an equal evaluation of all five completing technologies.
2. Within the DEIS, critical information relevant to our Ala Moana/Kaka'ako neighborhood is incomplete and misleading and therefore does not address the impact on the character of our neighborhood or the quality of life in our community.
 - a. The DEIS describes the areas between Ke'eumoku and Pensacola Streets mauka of Kapiolani as characterized by two and three-story walk-up, referencing only recent substantial development.
 - b. The DEIS does not mention many of the condominium developments now established in our community, some of which will be adjacent to the rail alignment. These residential condominiums include (1) 1133 Waimanu, (2) Ko'olani, (3) Nauru Tower, (4) Hokua, (5) Hawaiki Tower, (6) 1350 Ala Moana and (7) Kamakee Vista. In addition, the Hawaii Community Development Authority has approved substantial new development. Together these current condominiums comprise 2,567 units with perhaps as many as 6,675 residents."
 - c. On page 4-45, the DEIS characterizes Kaka'ako as an area where "substantial development has recently occurred in the neighborhood; several high-rise condominium developments have been built; and additional residential and commercial development is planned." But the DEIS does not adequately consider the how the current proposed route will impact the quality of life of the many residents living in condominiums in our neighborhood.
 - d. Accordingly, we believe the DEIS does not distinguish between commercial and residential noise levels and does not adequately account for the documented urban canyon effect that channels sound from the source up and out.

Essential Questions

These questions reflect our most important concerns about the deficient nature of the DEIS and the inadequate and inaccurate studies and information used to plan the route through our community.

The Notice of Intent filed by the city administration in the federal register identified "five distinct technologies" that would be considered in the DEIS. Yet the DEIS did not provide the public with detailed comparisons of critical issues as required by the National Environmental Protection Act. Because detailed comparisons of the five technologies were omitted, the following questions remain unanswered:

1. Why were detailed comparisons of the five technologies omitted from the DEIS?
2. How much traffic congestion would be relieved by each technology?

3. The DEIS has a vibration projection for the rapid rail transit system. What are the vibration impacts for the other four transit systems listed in the March 15, 2007 Federal Register Notice of Intent.
4. What is the cost to build and maintain each technology?
5. How affordable is each technology?
6. Will the ridership cover the operating costs?
7. For each technology, will tax increases be required to supplement the operations and maintenance costs or will these systems be self-sustaining?
8. The rail planned and designed in Puerto Rico by the same company advising the City is reported to be a major disaster. How will the same or similar mistakes of over-estimated ridership and under-estimated costs be prevented from reoccurring?

The DEIS does not contain an accurate description of the residential, commercial and industrial make up of our neighborhood. The impact on our environment and quality of life, affecting as many as 6,500 residents living in over 2,500 condominium units who live along or near the Queen Street segment, are not mentioned. The DEIS left the following unanswered:

1. Why didn't the DEIS recognize the concerns of the 6,000 residents who live along the route in our community?
2. The Noise and Vibration Technical Report, dated October 1, 2008, section 4.27 states, "Land uses between the Kaka'ako Station and the Ala Moana Center Station are predominantly commercial and industrial (Category 3), with one residential high-rise, Uraku Tower." This report is inaccurate. (Uraku is actually in the Ala Moana area, not the Kaka'ako area.) Why does the report fail to identify the other residential high-rise buildings in between these two stations?
3. How will the frequency and length of the daily train schedule affect the quality of life for those living along the route?
4. How will vertical noise affect residents living in the high-rise condominiums, many of which have open lanais?
5. How do the technologies compare aesthetically?
6. How will the elevated concrete guideway affect the character and look of our community?
7. What will be the visual and aesthetic impact of the elevated concrete guideway running through the middle of the Queen Street Park now under construction?

The Ko'olani &
1133 Waimanu
c/o Ko'olani AOA
1177 Queen Street
Honolulu, HI 96814

October 29, 2009

Mr. Leslie T. Rogers
Regional Administrator, Region IX
U.S. Department of Transportation
Federal Transit Administration
201 Mission Street, Suite 1650
San Francisco, CA 94105-1839

This letter expresses concern about the Honolulu High-Capacity Transit Project's Draft Environmental Impact Statement (DEIS) and asks for your action to correct deficiencies (1) through a formal finding by the USDOT if the DEIS for the HHCTC Project is compliant with the National Environmental Protection Act and (2) to update the DEIS with relevant, accurate information about how the Project will impact our neighborhood.

Two concerns focus our objection to the DEIS. First, the DEIS does not conform to the Notice of Intent published in the Federal Register. Second, information in the DEIS that concerns our neighborhood is incomplete and misleading, undermining the intent of the law.

Concern one: The Notice of Intent to Prepare an Environmental Impact Statement for High Capacity Transportation Improvements as placed in the Federal Register by the United States Department of Transportation states:

"The draft EIS would consider five distinct technologies: light trail [sic] transit, rapid rail transit, rubber-tired guided vehicles, a magnetic levitation system, and a monorail system" (12256).

The DEIS prepared by the City and County of Honolulu (CCH) considers only one transit technology with three routing alternatives. It is our understanding that the regulations in the National Environmental Policy Act (NEPA) mandate the parties responsible for preparing, reviewing and approving an Environmental Impact Statement adhere to the guidelines published in the Federal Register. We believe that to be compliant with the NEPA the DEIS should have provided the public with an equal evaluation of all five technologies identified in the relevant NOI. Instead, the DEIS failed to provide the public with information concerning the environmental characteristics of the other four transit technologies.

We are also aware that this deficiency was brought to the attention of the USDOT's most senior officials by the late Councilmember Duke Bainum and his colleague, Charles Djou in their June 2, 2009 letter. At this time it appears that both the CCH and USDOT/AFT have decided to ignore the procedural failure and have not responded.

Our second concern focuses on the incomplete but relevant information not found in the DEIS about how this Project will impact our neighborhood.

1. Section 4.5 of the DEIS states, "This section describes the neighborhoods adjacent to the project alignment and anticipated effects on these neighborhoods." The description of the Ala Moana-Kaka'ako neighborhood, however, is incomplete and misleading. For example, the DEIS describes the area between Ke'eaumoku and Pensacola Streets mauka of Kapi'olani Blvd. as characterized by two- and three-story walk-up apartments in a quieter residential environment. While it does state that "substantial development has recently occurred in the neighborhood," it concludes the elevated structure would not create a barrier to pedestrian or other modes of travel without addressing other neighborhood quality of life concerns.
2. The DEIS does NOT mention the condominium developments in our immediate neighborhood. Buildings impacted by the current route include Ko'olani with 370 residential and two commercial units, 1133 Waimanu with 282 residential units, Nauru Tower with 304 residential units, Hokua with 248 residential and five commercial units, Hawaiki Tower with 427 residential units, and 1350 Ala Moana with 353 residential units. In addition, the Honolulu Community Development Authority has approved the building of K2 between Hawaiki Tower and Ko'olani at 38 stories with 277 units and another five-story project at 1226 Waimanu Street with 64 units. The total number of units in the immediate area is 2,342.
3. We believe the DEIS does not address the number of residential units on public record listed here and how the projected route will impact our neighborhood. We also believe a revised draft EIS should address our concerns about the quality of life we currently enjoy and the effects on the character of our neighborhood.
4. The language of this section also states, "The Project would extend to Ala Moana Center traveling mostly along Halekūwila and Kona Streets. It does not mention Queen Street and how the condominiums in our neighborhood will be impacted. The current route has the Rail passing by Ko'olani living and bedrooms at 70 feet. Every lanai on the south face of 1133 Waimanu would be exposed to the proposed route, and every apartment has a lanai.
5. Section 4.7.3 of the DEIS addresses visual and aesthetic consequences to the visual landscape. The DEIS excludes our neighborhood from its 20 representative "view points" that would be affected by the Project. As a major "viewer group," one of the major components of the DEIS visual assessment, we believe the Kaka'ako neighborhood is not adequately represented in the DEIS. The Project's visual consequences are categorized as low, moderate or high. We believe our neighborhood's existing visual quality to range from low to moderate. Our visual impact assessment upon completion of the Project would be from moderate to high. The guideway and columns would be a dominant element that would substantially change views and the visual character of our neighborhood.

6. Our concern about how the DEIS has incompletely addressed our quality of life issues extends to noise, addressed in section 4.9 of the DEIS. We believe the DEIS does not distinguish between commercial and residential noise levels and does not adequately account for the urban canyon effect that channels and shapes sound up and out from its source. The planned noise mitigation that includes sound barrier walls built into the guideway and modern steel-wheel technology will not keep the sound from rising above the sound barriers and will negatively impact our neighborhood.


The DEIS states that in some cases transit may have a negative effect on "real estate" (which we interpret to mean property values) due to what are often called "nuisance" effects – noise and visual infrastructure. These factors, the DEIS states, "can reduce the desirability of properties in the immediate vicinity of the fixed guideway." The current Project route passes inappropriately close to urban residential units with high populations in our neighborhood to keep the costs down. As currently planned, we will experience all the adverse effects of the Project on the neighborhood character and quality of life but none of the benefits.

We do not seek to stop the Project. Many residents in our neighborhood support it. We do seek, however, to have the DEIS process comply with the intent of the law and the document itself revised to be an accurate representation of our neighborhood so sound decisions about the type of rail system build and the route serve all the people of Hawaii.

We anticipate additional endorsements and support of this letter from our neighboring Associations of Apartment Owners.

We are requesting a written response to our concerns. Thank you in advance for your assistance.

Respectfully,



Michael Giannini
Ko'olani AOA President



Jeffrey Berman
1133 Waimanu AOA President

CC The Honorable Ray H. LaHood, Secretary of Transportation
United States Department of Transportation
West Building, 9th Floor
1200 New Jersey Avenue, SE
Washington, DC 20590

The Honorable John D. Pocari
Deputy Secretary of Transportation
West Building, 9th Floor
1200 New Jersey Avenue, SE
Washington, DC 20590

**The Honorable Peter M. Rogoff, Administrator
Federal Transit Administration
East Building, 5th Floor
1200 New Jersey Avenue, SE
Washington, DC 20590**

**Mr. Matt Welbes, Acting Deputy Administrator
Federal Transit Administration
East Building, 5th Floor
1200 New Jersey Avenue, SE
Washington, DC 20590**

**Councilmember Rod Tam
Councilmember Charles Djou
Councilmember Ann Kobayashi
Councilmember Ikaika Anderson
Councilmember Romy Cachola
Councilmember Donovan Dela Cruz
Councilmember Gary Okino
Councilmember Todd Apo
Councilmember Nestor Garcia**

Representative Tom Brower

Congressman Neil Abercrombie

Ala Moana/Kaka'ako Neighborhood Board

Nauru Tower, 1350 Ala Moana,
and Hokuia,
c/o Chuck Heitzman
Nauru Tower
Honolulu, HI 96814

December 21, 2009

Mr. Leslie T. Rogers
Regional Administrator, Region IX
U.S. Department of Transportation
Federal Transit Administration
201 Mission Street, Suite 1650
San Francisco, CA 94105-1839

Dear Mr. Rogers,

On behalf of the Association of Apartment Owners of Nauru Tower, 1350 Ala Moana, and Hokuia, we are endorsing the attached letter, which you received from the Ko'olani and 1133 Waimanu on 11/02/09, regarding the deficiencies in the Honolulu Rail Transit Project's Draft Environmental Impact Statement (DEIS) and the potential negative impacts on our quality of life from having the elevated guideway in our immediate neighborhood. We apologize for the lateness of this endorsement, but it was only recently that we learned of the specific details of the proposed plan for the elevated, steel guideway and the train's close proximity to our condominium developments in Ala Moana and Kaka'ako. We are disturbed to learn that the DEIS contains incomplete and misleading information, fails to acknowledge the existence of our neighborhood of six condominium towers, consisting of over 2,000 apartments, and does not comply to the Notice of Intent published in the Federal Register.

We also are deeply concerned about vertical noise issues and unaesthetic views of elevated trains, passing our residential buildings at considerable speed every few minutes from 4 a.m. to midnight every day. Obviously, these issues were not adequately addressed in the DEIS since its information regarding the residential make-up of our immediate neighborhood is outdated. According to the National Environmental Policy Act (NEPA), an EIS should include a substantial study of transit alternatives and alternate routes. Yet, the DEIS does not provide an adequate explanation on why this study was not completed for our area, even though the proposed plan will have elevated trains zooming back and forth within close distance to our high-rise condominium buildings. Consequently, we are asking for your intervention in this matter by requiring the Honolulu Mayor and City Council to provide an accurate and complete FEIS in accordance with NEPA, including a rigorous study of transit alternatives and alternate routes.

We again apologize for this late request, but we think we represent a voice of the public who may live along the Rail route and is not reflected in the DEIS. We believe our quality of life issues are at stake pending your decision.

We sincerely thank you for your time and consideration.

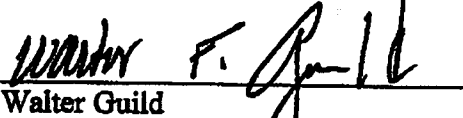
Sincerely,



Chuck Heitzman
Nauru Tower AOA President
1330 Ala Moana Blvd.
Honolulu, HI 96814



Susan Rainville
1350 Ala Moana AOA President



Walter Guild
Hokua AOA President
1288 Ala Moana Blvd.
Honolulu, HI 96814

Attachment: October 29, 2009 Letter to Mr. Leslie T. Rogers from Ko'olani and
1133 Waimanu

cc: The Honorable Ray H. LaHood
Secretary of Transportation

The Honorable John D. Pocari
Deputy Secretary of Transportation

The Honorable Peter M. Rogoff, Administrator
Federal Transit Administration

Mr. Matt Welbes, Acting Deputy Administrator
Federal Transit Administration

The Honorable Neil Abercrombie

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Mayor Mufi Hannemann
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Councilmember Todd Apo
Councilmember Romy Cachola
Councilmember Donovan Dela Cruz
Councilmember Charles Djou
Councilmember Nestor Garcia
Councilmember Ann Kobayashi
Councilmember Gary Okino
Councilmember Rod Tam

Ala Moana/Kaka'ako Neighborhood Board

Kaka'ako Improvement Association